

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

In re:

**MILLENNIUM PLAZA, LLC
BRANSON PROPERTY, LLC**

Case #13-60906-abf11
Chapter 11
Substantively Consolidated

Debtor(s)

**FIRST AND FINAL APPLICATION BY ATTORNEYS FOR DEBTOR
FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES**

COME NOW Ronald S. Weiss, and the law firm of Berman, DeLeve, Kuchan & Chapman, LLC, attorneys for Millennium Plaza, LLC and Branson Property, LLC, Debtor and Debtor-in-Possession ("Applicant"), and for their Application pursuant to §330 of the Bankruptcy Code, respectfully represent as follows:

1. On June 3, 2013, Millennium Plaza, LLC (Case #13-60906-abf11 and Branson Property, LLC (Case #13-60907-abf11) [the "Debtor"] filed separate Voluntary Petitions for Relief under Chapter 11 of the United States Code, and since that time have remained in possession of their assets as Debtors-in-Possession.

2. On June 3, 2013, in Millennium Plaza, LLC and Branson Property, LLC, Applicant filed its Application to Employ Ronald S. Weiss and the law firm of Berman, DeLeve, Kuchan & Chapman, LLC, and on September 26, 2013, the Court entered its Order authorizing Applicant's employment as attorneys for the Debtor.

3. On January 9, 2014, the Court entered its Order substantively consolidating the Millennium Plaza, LLC and Branson Property, LLC cases.

4. Applicant makes this First and Final Application as attorneys for the Debtor (hereinafter "Final Application") for professional services rendered and for reimbursement of actual, necessary expenses incurred during the period of June 3, 2013 through August 31, 2014.

5. Counsel has charged \$84,245.00 for attorney fees [total of 345.53 hours] and \$105.00 for paralegal fees [total of 1.40 hours], making a total of \$84,350.00 as follows:

Ronald S. Weiss	310.10 hours	Total	\$76,025.00
Joel Pelofsky	22.40 hours	Total	\$ 5,060.00
Tracee Stout	12.80 hours	Total	\$ 3,160.00
Paya Toliver*	<u>1.40 hours</u>	Total	<u>\$ 105.00</u>
	346.93 hours	Total	\$84,350.00

and has incurred expenses in the sum of \$8,658.44 [including \$2,426.00 filing fees and \$6,232.44 other expenses] for which reimbursement is requested. Counsel has attached hereto and made a part hereof the itemized report of hours worked, and a description of the work, together with an itemization of expenses incurred.

6. The work described was necessary, actually performed, and of benefit to the estate and to the parties in interest.

7. The rates charged are reasonable, comparable to rates charged by other practitioners in the bankruptcy practice, and in other cases not filed under this title.

8. The work described was performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the issues addressed.

9. The amount of fees are calculated by multiplying the number of hours spent by each attorney or paralegal by their standard hourly billing rates for comparable services rendered to other clients of Applicants. All compensation and reimbursement requested relate solely to work performed and expenses incurred for and on behalf of the Debtors in this Chapter 11 reorganization case.

10. The professional services for which compensation is requested are described in detail on the itemized statements for the periods covered by this First and Final Application which are attached hereto as **Exhibit A** and which statements were generated from detailed daily time records made contemporaneously with the rendition of said services and which specify the services performed, the date rendered, the time expended, and the person rendering such services. **Exhibit A** also shows the detail of the expenses incurred by Applicants for the relevant period of this Final Application.

11. All services rendered were of a professional nature, requiring specialized skills, expertise, and experience in bankruptcy reorganization proceedings.

12. No agreement or understanding exists between Applicant and any other person for a division of compensation and no division of compensation will be made by

the Applicant for any services rendered in connection with this bankruptcy proceeding except the members and attorneys of the Applicant's law firm.

13. The persons performing the work have demonstrated skill and experience in the practice of bankruptcy law and the administration of Chapter 11 cases. In situations where more than one attorney of the Firm attended an event, the attendance was for the purpose of keeping informed as to the status of the case and to facilitate efficient distribution and performance of work.

14. The expenses were actually incurred and necessary to perform the tasks associated with the administration of the case.

15. There has been no previous request for an order granting interim award of compensation or reimbursement of expenses in this case.

16. Counsel has payments totaling \$29,426.00 leaving a balance due of \$63,582.44 comprised as follows:

Total Fees	\$84,350.00	
Total Expenses	<u>8,658.44</u>	
		\$93,008.44
Less total payments received		- <u>29,426.00</u>
		Balance \$63,582.44

WHEREFORE, counsel moves the Court for an order allowing, as administrative expenses, fees in the sum of \$84,350.00 and reimbursement of expenses in the amount of \$8,658.44, of which \$29,426.00 has been paid, leaving a balance of \$63,582.44, and for such other and further relief as is just and proper.

Respectfully submitted,

BERMAN DeLEVE KUCHAN & CHAPMAN, LLC

By: /s/ Ronald S. Weiss

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ATTORNEYS FOR DEBTOR

Summary of Exhibits

The following exhibits in reference to the Final Application by Attorneys for Debtor(s) for Allowance of Compensation and Reimbursement of Expenses are available upon request:

1. Exhibit A Billing Statements for July 2013 through August 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Final Application was filed on September 3rd, 2014, by electronic mail under the Court's ECF System, which directed copies to all parties entitled to electronic notice, and/or served by United States Mail, postage prepaid, on all parties identified on the matrix on file in this proceeding not receiving electronic notice.

/s/ **Ronald S. Weiss**

Ronald S. Weiss, MO #21215
Attorney for Debtor